

Remarks:

Claims:

Claim 1 is amended herein. Claim 2 is previously presented. Claims 3 - 10 were previously cancelled. Claims 11 - 17 are withdrawn as indicated by the Examiner. Claims 18 - 26 were previously cancelled. Claim 27 is amended herein.

Thus, claims 1, 2 and 27 are currently being examined in this application and claims 11 - 17 are presently withdrawn from examination.

Amendments:

Support for the amendments to the claims can be found in the application as originally filed. No new matter is added.

Fees:

Any necessary claim or other fees are to be charged to and any refunds credited to deposit account 26-0166.

Claim Objections:

The Examiner has objected to claim 1 because it allegedly contains non-elected subject matter. Applicants have deleted 13 compounds falling outside the scope of claim 27 from claim 1. Thus, all compounds recited in present claim 1 as amended fall within the generic scope of claim 27 which is directed to the subject matter encompassed by invention V, as defined by the Examiner, that is, compounds or compositions of the formula I, where Z=N, X=N, and P is a phenyl group and Q is a phenyl group. Further, Applicants have made claim 1 dependent on claim 27 as suggested by the Examiner.

Applicants respectfully point out that the first three compounds named in claim 1 as amended are bases, whereas the remaining compounds named are hydrochloride salts. Thus, the objected-to term "as a free base or a pharmaceutically acceptable salt thereof" and the "or" appearing part way through the claim are not improper or superfluous. However, solely to expedite allowance of this application, the objected-to term and the "or" have been deleted and

the final clause of the claim amended to clearly and distinctly describe the claimed subject matter.

Accordingly, in view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the objections to claims 1 and 27.

Claim rejections under 35 U.S.C. § 112, second paragraph:

The Examiner has rejected claims 2 and 27 as being indefinite because, "heterocyclic ring" required clarification. Applicants disagree. However, solely to advance examination and allowance of this application, Applicants have cancelled the objected-to language from the claim 27 and amended the claims follows:

- 1) in "R¹ and R² are independently selected from 5 or 6 membered heterocyclic ring containing one or more heteroatoms independently selected from N, O, or S," Applicants have cancelled the objected-to language and inserted in place thereof, " 3-piperidinyl";
- 2) in "R¹ and R² may together form a substituted 5 or 6 membered heterocyclic ring containing one or more heteroatoms independently selected from N, O, or S," Applicants have cancelled the objected-to language and inserted in place thereof, " 1-pyrrolidinyl, 1-piperazinyl or 4-morpholinyl moiety";
- 3) in "R⁶ and R⁷ may together form a substituted 5 or 6 membered heterocyclic ring containing one or more heteroatoms independently selected from N, O, or S," Applicants have cancelled the objected-to language and inserted in place thereof, "1-pyrrolidinyl".

Applicants have thus amended the objected-to language to recite the specific heterocyclic ring systems represented in the Examples of the specification. Accordingly, in view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Reservation of Rights:

Applicants expressly reserve the right to file one or more continuation applications directed to subject matter found in the application as originally filed that is not encompassed by the claims of this application.

Conclusion:

Applicants respectfully submit that the claims as presented are in condition for allowance and solicit further prompt action on the merits.

Respectfully submitted,

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